

Attorney Docket No. 9052-84



01/10/05

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Denecke

Application Serial No.: 09/868,434

Filed: January 10, 2002

For: *Enhancing Plant Pathogen Resistance Via Increasing BiP levels*

Confirmation No.: 1446

Group Art Unit: 1638

Examiner: A. Kubelik

Date: January 7, 2005

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

This is responsive to the December 20, 2004 Notice of Non-Compliant Amendment issued for the above identified patent application regarding an Amendment filed on November 8, 2004. A Notice of Appeal and Petition for Extension of Time along with a check for \$1320.00 ((\$980.00 fee for a three month extension of time and \$340.00 Notice of Appeal fee) were also filed on November 8, 2004. Thus, no fee is believed due with this response. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Pursuant to the instructions in the Notice, the entire corrected Amendment is resubmitted herein within the time period set forth under 37 C.F.R. § 41.37(a) based on the filing of the Notice of Appeal on November 8, 2004. Applicant is enclosing a replacement Abstract on a separate sheet as required under 37 C.F.R. § 1.72. The replacement Abstract recites the amended language set forth in the attached Amendment. The identification of page numbers for the corresponding amendments has been adjusted accordingly.